

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

H. THOMAS O'HARA ARCHITECT, PLLC,

Plaintiff,

-against-

EXTELL WEST 45TH STREET LLC, EXTELL
WEST 45TH LLC, EXTELL DEVELOPMENT
COMPANY and EXTELL DEVELOPMENT
CORPORATION,

Defendants.

Civil Action No.: 07 CV 11224

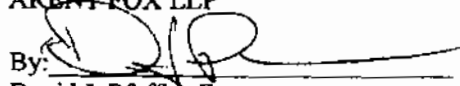
STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between counsel for Plaintiff, H. Thomas O'Hara Architect, PLLC ("Plaintiff") and counsel for Defendants, Extell West 45th Street LLC, Extell West 45th LLC, Extell Development Company and Extell Development Corporation (collectively, "Defendants") that:

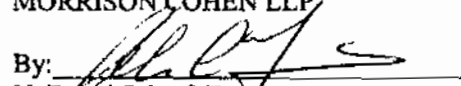
1. Plaintiff accepts Defendants' Answer and Counterclaims dated December 26, 2007.
2. Plaintiff will amend its Verified Complaint, which time to amend is hereby extended to and including January 30, 2008.
3. Plaintiff's time to respond to Defendants' Answer and Counterclaims is hereby extended to and including twenty (20) days after the Plaintiff's receipt of Defendants' Amended Answer and Counterclaims to Plaintiff's Amended Complaint.
4. Defendant Extell Development Corporation shall be dismissed without prejudice from the above-captioned action pursuant to Federal Rules of Civil Procedure 41(a).
5. Counsel for Plaintiff and Defendants are authorized to execute this Stipulation on behalf of their clients.
6. This stipulation may be executed in counterparts and a facsimile signature shall be deemed an original.

Dated: January 14, 2008
New York, New York

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Attorneys for Defendants

SO ORDERED: 

~~Honorable James C. Francis~~

THE HONORABLE LEWIS A. KAPLAN

1/23/08